

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Troy T.,

Case No. 20-cv-1599 (WMW/KMM)

Plaintiff,

v.

**ORDER GRANTING DEFENDANT’S
UNOPPOSED MOTION FOR
REMAND**

Andrew Saul, *Commissioner of Social
Security*,

Defendant.

This matter is before the Court on the unopposed motion of Defendant Andrew Saul, the Commissioner of Social Security, to reverse and remand this Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 24.)

On October 11, 2019, an Administrative Law Judge (ALJ) denied Plaintiff Troy T. disability benefits. The Social Security Administration Appeals Council subsequently denied Troy T.’s request for review of the ALJ’s decision. Troy T. sought judicial review of the adverse ruling. Defendant Andrew Saul, the Commissioner of Social Security, now requests that this Court reverse and remand this case pursuant to 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Troy T. does not oppose the motion.

Title 42 United States Code Section 405(g) provides that, “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). In Section 405(g)

actions, “remand orders must . . . accompany a final judgment affirming, modifying, or reversing the administrative decision.” *Melkonyan*, 501 U.S. at 101–02. In light of Commissioner Saul’s unopposed motion, the Court concludes that reversing and remanding the ALJ’s decision pursuant to sentence four of Section 405(g) is warranted.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendant Commissioner Andrew Saul’s unopposed motion for remand, (Dkt. 24), is **GRANTED**.
2. The ALJ’s decision is **REVERSED** and this case is **REMANDED** to the Commissioner of Social Security for a supplemental hearing and further administrative action, pursuant to sentence four of 42 U.S.C. § 405(g).
3. The Clerk of Court is directed to terminate Plaintiff Troy. T’s motion for summary judgment, (Dkt. 20).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 10, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge